



## KENTUCKY REGISTRY OF ELECTION FINANCE

**Steven L. Beshear**  
Governor

140 Walnut Street  
Frankfort, Kentucky 40601-3240  
Phone (502) 573-2226  
Fax (502) 573-5622  
[www.kref.ky.gov](http://www.kref.ky.gov)

**Craig C. Dilger**  
Chairman

**David R. Martin**  
Vice-Chairman

**Sarah M. Jackson**  
Executive Director

**Rhonda Farmer-Gray**  
Assistant Executive Director

**Emily Dennis**  
General Counsel

### ADVISORY OPINION 2008-002

**Any advisory opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).**

September 18, 2008

Mr. Steve Robertson, Chairman  
Republican Party of Kentucky  
Capitol Avenue at Third Street  
P.O. Box 1068  
Frankfort, KY 40602  
FAX # 502-223-5625

Dear Mr. Robertson:

By letter dated and received on August 22, 2008, you requested an Advisory Opinion on behalf of the Republican Party of Kentucky ("RPK" or the "Party") regarding the following facts:

The RPK believes it would benefit the Party to showcase two (2) individuals identified as current and future Party leaders, both of whom currently serve as statewide constitutional officers (hereinafter referred to as "Elected Official") and members of the RPK State Central Committee.<sup>1</sup> Both were re-elected in 2007 and are therefore ineligible to run for re-election.<sup>2</sup> Because they are term-limited, these individuals are unable to raise and spend money for certain expenses that during their first terms would have been paid for by their respective campaign accounts. The expenses the RPK wishes to incur are expenses that would be permitted as candidate expenses were either Elected Official a candidate for any office. However, neither Elected Official is a declared candidate for any office at this time.

<sup>1</sup> Trey Grayson serves as Secretary of State for the Commonwealth of Kentucky, having been elected to the position in November 2003. In 2007, Secretary Grayson was elected to a second consecutive term. Richie Farmer, Kentucky's Commissioner of Agriculture, was also elected in November 2003 and re-elected to a second four-year term on November 6, 2007. Sources: <http://sos.ky.gov/secdesk/biography.htm> and <http://www.kyagr.com/commissioner/index.htm>.

<sup>2</sup> See Section 93, Kentucky Constitution.



Specifically, you request an Advisory Opinion regarding the following expenditures the Party wishes to incur to showcase these Elected Officials as Party leaders:

1. May the RPK fund a website that promotes the Elected Official?
2. May the RPK pay for Christmas cards featuring the Elected Official and the Elected Official's family?
3. May the RPK pay for media and communications training for the Elected Official?
4. May the RPK pay to maintain a database of constituents, past contributors and other contacts for an Elected Official that was created during the campaign that will be used by RPK and the Elected Official?

KRS 118.015(1) defines "political party" to mean "... an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which votes were cast for presidential electors." KRS 121.015 defines "committee" to include "(a)n executive committee of a political party. See KRS 121.015(3)(e). Unlike a campaign committee, caucus campaign committee, political issues committee, permanent committee, or inaugural committee, which terms are defined by KRS 121.015(3), an executive committee lacks statutory definition because it is defined by its affiliation with a national political party, and by-laws or other governing rules. Thus, the RPK is a state executive committee of a political party - the Republican Party - defined and governed by its Official Rules (See attached Official Rules of the RPK, revised November 6, 2004) in addition to state and federal law and the rules of the Republican National Convention ("RNC"), the national political organization with which the RPK is affiliated.

The purpose of the RPK is to promote the Party's principles and its candidates. See Preamble to Official Rules of the RPK. Pursuant to Section 1.03 of the Official Rules, during those times when the Republican State Convention is not in session, the full and final authority of the RPK is vested in the Republican State Central Committee ("RSCC"), of which the above-referenced Elected Officials are members pursuant to Section 2.02(g). The authority of the Republican State Convention and the RSCC includes, but is not limited to, managing and directing all Party affairs in the Commonwealth, including the collection and disbursement of Party funds; the promotion and supervision of campaigns of Republican candidates at the national, state and local levels; and exercising such other duties, authorities, or privileges as imposed or granted by either State or Federal law and the rules of the RNC. See attached Official Rules, Section 1.03.

With respect to allowable campaign expenditures, KRS 121.175(1) provides, in relevant part, as follows:

No . . . committee shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign. "Allowable campaign expenditures" does not include expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign.

Although KRS 121.175 would seem to limit executive committee expenditures to the payment of costs directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot, this is not the case. An executive committee, by virtue of its governing rules and by-laws, also exists beyond the scope of KRS Chapter 121 and must be allowed to expend funds to promote the political party it represents. Common examples of political party promotion include party fundraisers not associated with any specific or particular candidate, campaign or election and activities such as non-campaign related communications with members. The executive committee must take care, however, to avoid expenditures which ostensibly promote a political party but in reality bestow a private pecuniary benefit upon individuals, which the law specifically disallows. Furthermore, 32 KAR 2:200, Section 2 (2) expressly prohibits "(e)xpenditures made to defray the costs associated with an individual's performance of his official duties as an office holder."

With this cautionary preface in mind, each item of your proposed expenditures is addressed separately below:

1. May the RPK fund a website that promotes the Elected Official?

The RPK may post a link on its homepage guiding the viewer to a web page highlighting an Elected Official as a leader in the Party for the purpose of promoting the Party. However, the RPK may not pay for a website that promotes the Elected Official, unless ownership and editorial control of the promotional website lies with the RPK, the purpose of the website is clearly promotion of the Party (not the Elected Official), and the same terms and conditions of website sponsorship by RPK are made available to a broad array of persons with specific ties, roles and affiliations with the Party, such as to all members of the RSCC as Party leaders.

2. May the RPK pay for Christmas cards featuring the Elected Official and the Elected Official's family?

To the extent that neither Elected Official is a declared candidate for public office, KRS 121.175 and 32 KAR 2:200 prohibit the RPK from paying for Christmas cards featuring only the Elected Official with the Elected Official's family. The RPK may send a Christmas card depicting the Elected Official together with other Party leaders or serving leadership functions, such as with the executive and administrative staff of the RPK, other RSCC members, Subordinate Party Organizations, or Auxiliary Organizations, if the face of the card and return address on the envelope clearly indicate that the card is sent by the Party for the purpose of promoting the Party as opposed to promoting any particular individual.

3. May the RPK pay for media and communications training for the Elected Official?

The RPK may pay for media and communications training for the Elected Official so long as the same training opportunity is extended to a broad array of persons affiliated with the Party in positions where media and communications training is appropriate and would serve the broad purpose of promoting the Party such as outlined in response to questions 1 and 2 above.

4. May the RPK pay to maintain a database of constituents, past contributors and other contacts for an Elected Official that was created during the campaign that will be used by RPK and the Elected Official?

The RPK may participate in an arms length transaction to purchase or otherwise accept the transfer of a database of constituents, past contributors and other contacts from the Elected Official's campaign. The RPK may also pay to maintain the database, so long as the RPK controls the database and its contents and may use the database to

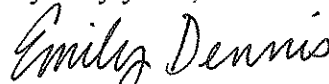
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promote Republican candidates and the Party. The Party may not maintain a database for the sole use of the Elected Official or with the understanding that the Elected Official maintains control of the database contents or otherwise dictates how the RPK may use the database.

With respect to each of the above proposed expenditures, the burden of proof would be on the RPK to prove that the expenditure did not violate the law by bestowing a private pecuniary benefit on an individual or defray the costs associated with an individual's performance of his official duties as an office holder. Thus, to the extent the RPK singles out an Elected Official for receipt of a benefit, a violation of the law based on the facts and circumstances of the transaction may result if the expenditure appears to be more of a campaign contribution than a political party promotion.

Please keep in mind that this advisory opinion is based on the specific facts set forth in your written request. If you have any questions concerning this advisory opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Emily Dennis".

Emily Dennis  
General Counsel

Attachment – Official Rules of the Republican Party of Kentucky (Revised 11/06/2004)

## OFFICIAL RULES

### REPUBLICAN PARTY OF KENTUCKY

Revised November 6, 2004

#### PREAMBLE

We are the Party of the open door. With these Rules, we seek to transfer the transcendent principle into accepted practice. But written Rules are no substitute for personal commitment. As Republicans, we are and we must be committed to encouraging the broadest possible participation in the affairs of our Party. We must and we do encourage every Kentuckian to seek that level of Party leadership for which his talents and energy recommend him. No false distinctions of age, race, sex or religion shall bar anyone from any Party position. Devotion to our Party's principles and loyalty to its candidates are and should be the only qualifications for holding any position in the Republican Party . . . the Party of the open door.

#### 1. AUTHORITY AND ORGANIZATION OF THE REPUBLICAN PARTY OF KENTUCKY:

1.01. The final, full and plenary authority and control of the Republican Party of Kentucky resides in and is possessed by the registered Republicans of Kentucky in State Convention assembled as provided in these Rules.

1.02. During the times when the Republican State Convention is not assembled the full and final authority stated in 1.01 shall be vested in the Republican State Central Committee (hereafter -"RSCC"). During the times when the Republican State Central Committee is not assembled, the Executive Committee shall be responsible for the operation of all party affairs subject to the limitations set forth in 9.03. Therefore, references herein to -"RSCC" shall include the Executive Committee except as limited in 9.03, or except where the context requires a different construction.

1.03. The authority of the Republican State Convention and the Republican State Central Committee shall include but not be limited to, full control of and over all subordinate and auxiliary Party organizations ("Auxiliary Organizations") and campaign committees. This authority shall include the managing and directing of Party affairs in all parts of the Commonwealth including the collection and disbursement of Party funds; the promotion and supervision of campaigns of Republican candidates at the national, state and local levels, and exercising such other duties, authorities, or privileges as imposed or granted either by State or Federal law and the rules of the Republican National Committee.

1.04. Subordinate Party organizations shall include district committees in each congressional district, county committees in each county and precinct committees in each precinct in the Commonwealth. Each such committee shall direct Party affairs and exercise the same authority and have the same duties and responsibilities as that of the Republican State Central Committee, but each such precinct committee shall be under the authority of its respective county committee, and each county committee shall be under the authority of its respective congressional district committee which in turn shall be under the full authority of the Republican State Central Committee.

1.05. Auxiliary Organizations shall include, but not be limited to, the Republican Women's Federation, the Young Republicans, the College Republicans, the Teenage Republicans and other similar statewide organizations chartered by the Republican National Committee and its auxiliary organizations, and shall also include organizations of Kentucky Republican officeholders.

#### 2. THE REPUBLICAN STATE CENTRAL COMMITTEE:

2.01. *RSCC:* The Republican State Central Committee of Kentucky (hereafter "RSCC") is a permanent political body.

2.02. *Membership:* Membership is limited to registered Republicans in Kentucky who are citizens of the United States and residents of the Commonwealth of Kentucky. The members shall be as follows:

- (a) Eighteen members, State-at-Large, elected by the Republican State Convention;
- (b) Twelve members, State-at-Large, two of whom are elected by each of the six District Conventions;
- (c) The Chairman and Vice-Chairman of each Congressional District Committee;
- (d) The Chairman of each County Republican Committee;
- (e) The Vice-Chairman of each County Republican Committee;
- (f) The Republican members of the Kentucky Legislature.
- (g) The Republican(s) elected to a statewide constitutional office for the period of time during which they hold such office.
- (h) During their respective terms of office: the State and Congressional District Chairman of the Kentucky Young Republican Federation; the President and Congressional District Governors of the Kentucky Republican Women's Federation; the State Chairman of the Kentucky Federation of College Republicans; the State Chairman of the Kentucky Teenage Republican Federation; all as duly elected according to their respective constitutions and by-laws, and certified to the Secretary of the Party;
- (i) The Chairman and officers of the RSCC;
- (j) The most recent past Chairman of the RSCC, who is qualified to be a member and accepts such membership;
- (k) The State Finance Chairman, State Treasurer and Legal Counsel, each of whom shall be appointed by and serve at the pleasure of the State Chairman; both such appointments shall be subject to ratification by the Executive Committee of the RSCC;
- (l) The Republican National Committeeman and Committeewoman;
- (m) The Chairman of the Republican County Judge/Executives' Association, and the Chairman of the Republican County Clerks' Association;
- (n) All former Kentucky Republican Governors, former U. S. Senators, and former U. S. Congressmen.
- (o) Any one who has served as a Republican National Committeeman or Republican National Committeewoman from Kentucky for a period of twenty years be made a life time member of the RSCC and the Executive Committee of the RSCC. This membership shall apply to anyone who has served this number of years on the RNC as of June 30, 1996 or shall serve twenty years in the future,

The life member(s) shall have all privileges of membership of the Executive Committee and the RSCC. No dues or attendance will be required of the life member(s).

Each member sitting by virtue of holding an office which is geographically defined, such as County Chairman, an officer of a Congressional District Committee, or the District chairman of an Auxiliary Organization, must reside in the respective geographical area. In case of non-residency, see 2.06(d). Unless properly re-elected, each member of the RSCC shall cease holding office when his or her term expires, unless sooner removed from office pursuant to these Rules. Each Party officeholder's term shall expire at 11:59 P.M. of the day when his successor is to be elected pursuant to these Rules, except that the full 4-year term of office of the National Committeeman and of the National Committeewoman shall end immediately following the Republican National Convention held approximately four years after their terms of office began, as is provided in the Rules of the (national) Republican Party.

**2.03. Executive Committee:** The Executive Committee shall consist of the six District Chairmen, the six District Vice Chairmen, the State President of the Kentucky Federation of Republican Women, the State Chairman of the Kentucky Federation of College Republicans; the State Chairman of the Republican County Judges/Executive's Association, the State Chairman of the Kentucky Young Republicans, the elected Republican leader in the Kentucky House of Representatives, the elected Republican leader in the Kentucky Senate, the thirty (30) at-large members of

the RSCC, the National Committeeman and Committeewoman, the State Chairman, the State Vice-Chairman, the State Secretary, the State Finance Chairman, the State Party Legal Counsel, the State Party Treasurer and the most recent past Chairman of the RSCC, who is qualified to be a member and accepts such membership. The Executive Committee shall be responsible for the operation of all party affairs between the sessions of the RSCC. The Executive Committee shall meet in regular sessions in February, April, May, June, August, September and November.

Special meetings of the Executive Committee may be held upon the call of the State Chairman or five (5) members of the Executive Committee of the RSCC. The minutes of each meeting of the Executive Committee or of the RSCC shall be sent to all members of that particular committee at least 5 days prior to the next meeting of that committee.

(a) Member of the Budget Committee of the Executive Committee shall be as follows: The State Chairman, Vice-Chairman, Secretary, Treasurer, Legal Counsel, National Committeeman, National Committeewoman and three at large members appointed by the State Chairman.

#### **2.04. Removal:**

(a) Members of the RSCC and/or the Executive Committee are expected to pay dues as provided in these Rules, and to attend meetings of the RSCC and/or the Executive Committee as applicable.

(i) Executive Committee members' seats will be declared vacant automatically if their dues have not been paid in full by August 31st, or 60 days after their election to the Executive Committee, whichever is later. Persons removed under this provision are eligible for immediate re-election to the Executive Committee; that is, they are exempt from the 4-year waiting period mentioned in the first paragraph of Rule 2.06. This automatic removal provision will apply to State and District officers as well as other members; however, it will not apply to the Senate or House Floor Leaders. If the KFRW President, the state chairman of the Kentucky County Judge/Executives' Association, or the state chairman of the Kentucky Young Republicans is in violation of this subparagraph, said officer will have no vote on the Executive Committee or RSCC unless and until the dues are paid.

(ii) Executive Committee members' seats will automatically be declared vacant immediately after the end of an Executive Committee meeting which represented their 4th consecutive absence; such persons will be eligible for re-election to the Executive Committee at such time as the vacancy is to be filled as provided elsewhere in these rules; that is, they are exempt from the 4-year waiting period set forth in Rule 2.06. This automatic removal provision will apply to State and District officers as well as other members; however, it will not apply to the Senate or House Floor Leaders, the KFRW President, the State Chairman of the Republican County Judge/Executives' Association, or the State Chairman of the Kentucky Young Republicans.

(iii) At every Executive Committee meeting, the Secretary shall report the names of all Executive Committee (and all other RSCC) members, indicating (a) whether or not they have paid their dues, and (b) the number of immediately-previous consecutive meetings of the Executive Committee (or of the full RSCC) they have missed. For RSCC members who are not on the Executive Committee, there will be no automatic penalty for absenteeism or failure to pay dues.

(iv) The Secretary shall report at every Executive Committee meeting those Party positions which are vacant, so that Party leaders can expedite filling the vacancies by means of procedures set forth in these Rules.

(v) State and District officers who are removed from the Executive Committee pursuant to this rule will also forfeit their position in that office.

(b) In addition to the procedures available under Section 2.04(a), any member of the RSCC may be removed from the RSCC and from Party office (but not from office in an Auxiliary Organization) for misfeasance, malfeasance or nonfeasance in office provided any member so offending has been given thirty (30) days written notice and the opportunity to be heard. He or she may be removed by majority vote of the members present at a duly called and constituted meeting of the Executive Committee.

(c) Removal by the RSCC - Any member or officer of a District, County, Precinct or other Party Committee, but not of an Auxiliary Organization, may be removed by the RSCC for misfeasance, malfeasance, or nonfeasance in office by the same method provided in 2.04(b) for the removal of a member of the RSCC.

(d) After giving 30-day notice, the Executive Committee, by vote of a majority of the members then present and voting, may declare vacant the seat of any party officeholder who supports or supported (during the current or prior-year's General Election) the opponent of a Republican nominee for local, statewide, or national office.

(e) In addition to the procedures available elsewhere in this section 2.04, any party officer above and not including Precinct Officers may be removed without cause from said office (but not from office in an Auxiliary Organization) by the Committee of which he is an officer. That is, any of the five elected State Officers (including the National Committeeman and National Committeewoman) may be removed by the Executive Committee; either of the two District Officers may be removed by the District Committee; and any of the five County Officers may be removed by the County Committee. Before any such committee may vote on the question of removal of an officer under this provision, said officer must be given at least 30 days advance written notice of the date, time, place and purpose of the meeting at which said vote will be taken. The vote of at least two-thirds (2/3) of the members of the committee present and voting shall be necessary for such removal. No reasons for removal need be given. If the necessary number of votes are cast in favor of removal, said removal will be effective immediately.

(f) Any vacancy caused by loss of membership shall be filled as provided by these Rules.

#### **2.05. *Officers and National Committeeman and Committeewoman:***

Within ten (10) days of the election of the eighteen (18) state-at-large members at the Republican State Convention, the full RSCC shall meet at the call of the Chairman or Secretary of the preceding RSCC or any three members elect, and shall elect by secret ballot the following three (3) officers, and at the same time in each year in which the President of the United States shall be elected shall additionally elect the National Committeeman and Committeewoman:

(a) State Chairman: who shall be the Chief Executive Officer of the Republican Party of Kentucky with all necessary and implied powers to carry out his/her duties. He/she shall preside at all RSCC meetings, shall create any special committees necessary and appoint, and be an ex-officio member of all special and standing committees including, but not limited to, those specifically provided for in these Rules. The State Chairman shall be responsible for carrying out the mandate of these Rules.

(b) Vice Chairman: who shall be of the opposite sex from the Chairman, and who shall have all the duties and authorities of the State Chairman during the absence or disability of the State Chairman, and who shall also serve during a vacancy in the office of State Chairman until such vacancy is filled. The Vice-Chairman shall also be an ex-officio member of all committees.

(c) Secretary: who shall keep and be responsible for the minutes and records, including correspondence, of the RSCC and who shall receive and file the minutes and records of all committees of the RSCC, including its subordinate organizations, campaign committees and Party Conventions.

(d) The Republican National Committeeman and Committeewoman.

(e) Method of Election: To elect the Chairman, Vice-Chairman, Secretary, National Committeeman and Committeewoman, the Executive Committee shall nominate a slate of officers who shall be voted upon as a slate by the RSCC. In the event said slate shall not receive a majority of the votes cast, the Executive Committee shall nominate and offer a new slate of candidates for said offices which shall be voted on in a similar manner. Slates of candidates shall continue to be offered until a new slate is approved by a majority of the votes cast.

(f) Treasurer: The State Treasurer shall be appointed by and serve at the pleasure of the State Chairman subject to ratification by the Executive Committee of the RSCC. The Treasurer shall oversee all party receipts and disbursement. He/she shall work with the appropriate staff in order to keep a careful records according to normal and accepted accounting procedures of all transactions, which he/she shall make available for audit on demand by the State Chairman or his/her designee and at least annually to an audit committee. He/she shall be bonded in an appropriate amount.

(g) Deputy Treasurer: The Deputy Treasurer shall be appointed by and serve at the pleasure of the State Chairman subject to ratification by the Executive Committee of the RSCC. He/she shall assist the Treasurer in the performance of the duties of Treasurer as stated in section (f) and shall succeed to the office of Treasurer upon the

resignation, inability to serve or death of the Treasurer. The Deputy Treasurer shall not be a member of either the RSCC or of the Executive Committee.

**2.06. Vacancies:** A vacancy in a position may be caused by death, resignation, removal or inability to serve. In the case of a vacancy caused by resignation or removal, the person who resigned or was removed from the position shall not be eligible for election to the same post for a period of four years following the date of resignation or removal, except with the approval of the Executive Committee. The State Chairman may by appointment fill any Party officer's position if such position has been vacant for as much as three months without a successor having been named and certified pursuant to other applicable Rules of the Party; the person so appointed shall serve the remainder of the unexpired term of the office; any such appointment shall be subject to the approval of the Executive Committee of the RSCC, but the person appointed will have full authority of the office between the time of the appointment and the time ratification is considered by the RSCC Executive Committee. Said Chairman's appointments may be made in the event of vacancies longer than 90 days for Party officers, as above, and also for Chairmen of the Republican County Judge/Executives' Association, the Republican County Clerks' Association, and the Teen Age Republicans, subject to approval as above. No such appointments of the Chairman shall be valid beyond the term of the Chairman, or the unexpired term of the office being filled, whichever is shorter.

(a) A vacancy in the position of State Chairman, Vice-Chairman, Secretary, or Republican National Committeeman or Committeewoman will be filled by election of the Executive Committee. The person so elected will serve until the next meeting of the full RSCC, at which time a new election for such position shall be held pursuant to Rule 2.05(e), except that one person shall be nominated to fill just the existing vacancy rather than having a full, revised slate nominated.

(b) A vacancy in a Congressional District office will be filled by the District Committee and the person so elected will be certified to the RSCC by the Chairman and Secretary of such election meeting.

(c) A vacancy in a membership-at-large of the RSCC/Executive Committee will be filled by election of the Executive Committee. This rule applies also for vacancies in at-large positions which are originally filled at the time of party reorganization by election at a District Convention.

(d) After a person has been elected to a District or County Party Office which results in the person becoming a member of the RSCC, if the boundaries of the District are changed or the officer moves out of the District or County making such officer a non-resident of the District or County from which he was elected, such office will be declared vacant.

(e) In the event of a vacancy in the position of Alternate Delegate at-large to a Republican National Convention, the position will be filled by the Executive Committee of the RSCC acting as a State Convention, and be certified as necessary to the Secretary of the Republican National Committee. In the event that there is insufficient time in which to follow the aforesaid procedure in the discretion of the State Chairman, then at the call of the State Chairman a committee consisting of the State Chairman, National Committeeman and National Committeewoman will fill the vacancy and certify as necessary the new Alternate Delegate at-large. The new Alternate Delegate at-large will be added as the last name on the list of Alternate Delegates at-large.

(f) In the event of a vacancy in the position of Alternate Delegate to the National Convention representing a Congressional District, the position will be filled by the District Committee acting as a District Convention and be certified as necessary to the Secretary of the Republican National Committee. However, if the vacancy occurs within four (4) days of the Republican National Convention, the position will be filled by a committee consisting of the State Chairman, National Committeeman and National Committeewoman, and the new Alternate Delegate will be certified as necessary. The new Alternate Delegate will be added as the last name on the list of Alternate Delegates from that Congressional District.

(g) In the event a vacancy arises among the Delegates to the National Convention, or an absence among the Delegates occurs during a session of the Convention, the selection of the appropriate Alternate Delegate to serve in the place of said Delegate shall be made as follows: If the Delegate was one of the Delegates at-large, then the person whose name appears first on the list of Alternate Delegates as elected by the State Convention shall fill the vacancy, and so on down the list of Alternate Delegates at-large in order to fill other vacancies as they may arise among the Delegates at-large. If the vacancy arises among the Delegates selected by a Congressional District Convention, then the person whose name appears first on the list of Alternate Delegates as elected by that same District Convention will fill the vacancy, and so on down the list of Alternate Delegates in order to fill other vacancies as

they may arise among Delegates elected by that particular District Convention. In the event there is an insufficient number of Alternate Delegates to fill the vacancies of Delegate at-large or District Delegate, the vacancies shall be filled by the next available Alternate Delegate at-large, and if there is an insufficient number of Alternate Delegates at-large, then by the Alternate Delegates from the First Congressional District in the order in which they appear on the list submitted by the District Convention, then continuing through the Alternate Delegates from the other Congressional Districts in numerical order.

**2.07. Contests:** The RSCC shall be the judge of any contested membership for a seat on the RSCC. Neither the challenger nor the challenged shall sit as a member for such judgment but may be present in person or by counsel. Prior to such hearing the person presenting a certification purported to be duly signed by the Chairman and Secretary of the Convention empowered to elect will be seated until such challenge is resolved. A decision of any Congressional District Committee resolving a membership challenge may be appealed to the RSCC.

**2.08. Standing Committees:** Standing Committees shall be created and shall exist at the pleasure of the RSCC.

**2.09. Meetings:**

(a) The regular meetings of the RSCC shall be held (i) on the Saturday immediately following the May primary election in odd-numbered years or on the first Saturday after the date of the State Convention in even-numbered years, but beginning in 1990, if in any year said meeting would fall on the Memorial Day weekend or on the day of the Kentucky Derby, then it shall be held on the following Saturday instead, and (ii) on the Saturday immediately following the regular general election each year.

(b) Special meetings may be called by the State Chairman, the Executive Committee or on petition in writing of twenty-five (25) of the members of the RSCC. Such petition by members shall state the purpose of such meeting.

(c) Notice of each meeting will be given in writing and mailed by the State Secretary at least five (5) days before the meeting. However, in an emergency, the State Chairman may direct the State Secretary to give less than five (5) days notice by telephoning the members.

(d) Fifteen percent (15%) of the membership of the RSCC shall constitute a quorum for the conduct of business.

**2.10. Headquarters:** The State Headquarters will be established and maintained at a site selected by the RSCC.

**3. CONGRESSIONAL DISTRICT  
COMMITTEES:**

**3.01. Membership.** The membership of each Congressional District Committee shall consist of the District Chairman, the District Vice-Chairman, the Chairman and Vice-Chairman of each County in the District, the District Governor of the Republican Women's Federation and the District Chairman of the Young Republicans. The Members-at-Large of the RSCC who reside in the District, and the District Chairman or its equivalent of all other Auxiliary Organizations, shall be ex officio members, without vote, of their respective District Committees.

The Chairman and Vice-Chairman of any County that is split between two or more Congressional Districts shall serve on both District Committees. Members may be removed by the District Committee in the same fashion and on the same grounds as set out in 2.04. Vacancies will be filled by the District Committee except for County Chairman and Vice-Chairman whose vacancies will be filled by the County Committee; however, long-standing vacancies may be filled by the State Chairman as provided in 2.06.

**3.02. Duties:** In addition to the authority and duties set out in 1.04, it shall be the duty of each District Committee to meet semi-annually in February and September, with notice given as in 2.09(c), and to see to the organization of each County or Ward in its jurisdiction, that each County Committee is advised as to State and National Party affairs, and that regular written reports of its activities and copies of the minutes of its meeting are transmitted to the State Chairman.

#### 4. COUNTY COMMITTEES:

4.01. **Membership:** The membership of each County Committee, unless a contrary local rule is specifically approved by the RSCC, shall consist of the Precinct Officers and the County Officers. Each County by local rule may include as members the Chairman of Party Auxiliary Organizations and as ex-officio, non-voting members, all local elected Republican officials.

4.02. **Officers:** The County Officers shall be a Chairman, a Vice-Chairman of the opposite sex, a Secretary, a Treasurer, and a Youth Chairman.

4.03. **Election of Officers:** The members of a new County Committee will be called together immediately following the County Mass Convention, and at the same location, by the Chairman of the preceding County Committee to elect the new Officers. Upon their election, the names of the new County Officers will be certified to the Secretary of the RSCC. To be qualified for election as a County Officer, a person need not already be a member of the Committee.

4.04. **Vacancies:** Vacancies in the County Committee, its officers or any Precinct Officer, including officers for newly-created Precincts, will be filled by the County Committee, except that long-standing vacancies may be filled by the State Chairman as provided in 2.06.

4.05. **Executive Committees:** County Committees (including those subject to Rule 4.09) by local written rule may provide for and elect an executive committee of not less than nine (9) members, who need not be Precinct Officers. No such Executive Committee shall assume any authority or be officially recognized in any way unless and until Republican State Headquarters has received written notification of the election of said Executive Committee, together with the names and addresses of the members of said Executive Committee. In the event that such an Executive Committee is elected it shall thereafter function in place of the County Committee for all purposes until the next party reorganization, when a new County Committee takes office. The new County Committee may or may not decide to create an Executive Committee.

4.06. **Meetings:** In addition to the rights and duties enumerated in 1.04, the County Committee shall hold regular meetings not less than quarterly and provide a list of its membership with names, addresses and phone numbers to the RSCC by Precinct.

4.07. **Removal Local:** The County Committee may itself remove any member, County Officer, or Precinct Officer without notice for unexcused absence from three (3) consecutive duly called meetings, or with 30 day notice for misfeasance, malfeasance or nonfeasance in office subject to the same appeal as provided in contested elections to the RSCC. Also see Rule 2.04.

4.08. **Wards:** Each County Committee by local rule in addition to Precinct Committees may establish Ward, District or Area Committees over groups of Precincts in that County, subject to the approval of the RSCC. Such Committees will be subordinate to the County Committees.

4.09. **Local Rules:** The counties of Jefferson, Fayette, Kenton, Campbell, Boyd and Daviess may adopt local rules for the organization and governing of party affairs in those counties, but such rules shall have force and effect only after the local rules have been approved by the Executive Committee of the RSCC after August 1, 1993. Said local rules, if adopted, shall not contain provisions which conflict with the Rules contained herein applicable to mid-term removal or replacement of Party officers (except that precinct officers who are replaced do not have to reside in the precincts where they serve as an officer) or appeals and contests, and such RSCC Rules are specifically made applicable to said counties.

#### 5. PRECINCT COMMITTEE:

5.01. **Precinct:** The Precinct shall be the basic organizational unit of the Republican Party of Kentucky.

5.02. **Officers:** The Precinct Committee shall consist of three (3) officers residing therein: the Precinct Captain, a Co-Captain of the opposite sex and a Youth Captain, who when elected will be thirty-five (35) years of age or younger, and such other members as the Precinct or County Committee may provide by local rule. Their term of office shall for four (4) years; terms of office expire as provided in 2.02. Precinct Officers will be elected as provided in 6.01. Vacancies will be filled as provided in 4.04.

5.03. **Boundary Changes:** When Precincts are combined or redivided, the County Committee shall designate which of several persons holding the same office in the predecessor Precincts shall hold that office in the new Precinct. Any displaced Precinct officer shall remain a member of the County Committee until the next re-organization.

## 6. CONVENTIONS:

6.01. **Precinct Conventions:** Precinct officers shall be elected on the second Saturday of March at 10:00 A.M. local time in 1994 and in 1996 and in every fourth year thereafter, at the Precinct Convention. All registered Republican voters (except those who switched their registration to Republican after the candidate filing deadline), who reside in said Precinct, are entitled to attend and vote upon all matters that come before the Precinct Convention. The Precinct Convention shall be held at the Precinct polling place used in the immediately preceding November election. The State Headquarters will circulate a press release giving notice of the time, date and place of the Precinct Conventions; a copy will be sent to all newspapers and all Republican County Chairmen. Notice by paid ads of the time, date and place of the Precinct Convention is not required, although widespread and timely advertisements of such Conventions are encouraged. Provided, however, that if for any reason the location of the Precinct Convention cannot be used for such purpose, the County Chairman shall select another location within the Precinct and shall publish an advertisement specifying the date, time and location of the Precinct Convention in the newspaper that has the largest bona fide circulation in the Precinct and such publication shall occur at least 15 days prior to the Precinct Convention but no earlier than 28 days prior thereto. The Precinct Captain shall maintain minutes of the proceedings conducted at the Convention for a period of two years.

The Convention shall be organized as provided in Section 7 hereof, except that (a) first, a Permanent Chairman and Secretary (in that order) will be nominated and elected; (b) the positions of Precinct Captain, Co-Captain and Youth Captain will be filled in that order by nomination(s) from the floor followed by balloting; (c) if after a ballot, no candidate for that office has a majority of the votes cast, the candidate receiving the fewest number of votes will be eliminated, and another ballot will be taken, and so on until the winner is elected by a majority of the votes cast; and (d) no Convention Committees will be used; all those properly present and voting will decide any business to come before the Convention. The Temporary Chairman of the Precinct Convention shall be the Precinct Captain, or in his absence the Co-Captain, or in his absence the Youth Captain. If none of said officers is present, the Convention will elect a Temporary Chairman. The Temporary Chairman shall appoint a Temporary Secretary.

6.02. **County Mass Convention:** On the third Saturday of March at 10:00 A.M. local time in the same years as Precinct Conventions are held, each County shall hold a County Mass Convention to fill any vacancies in Precinct offices as may exist after the Conventions provided for in 6.01 above, and to perform such other business as called for in Sections 6 and 7 hereof. All registered Republican voters (except those who switched their registration to Republican after the candidate filing deadline), who reside in the County, are entitled to attend and vote upon all matters that come before the County Mass Convention. This Convention shall be held at the County Courthouse. Notice of the time, date and location of the County Mass Convention is not required although widespread and timely advertisements of such Convention by the County Chairman are encouraged, and the RSCC shall place an advertisement in one or more newspapers of general statewide circulation and shall issue press releases to the news media of the state publicizing the occurrence of the County Mass Conventions. Provided, however, that if for any reason either the location or time (but not the date) of such Convention must be changed, the County Chairman shall select another location and/or time within the County and shall publish an advertisement specifying the date, time and location of the County Mass Convention in the newspaper that has the largest bona fide circulation in the County and in such other newspapers as may be needed to assure that all parts of the County have received approximately equal notification. These publications shall occur at least 15 days prior to said Convention but no earlier than 28 days prior thereto.

The County Mass Convention will be organized as provided in Section 7 hereof. The County Mass Convention in addition to all other duties provided in these rules, shall elect delegates and alternate delegates to the District and State Conventions in such numbers as set forth in the official call to Convention. The County Chairman (or in his absence the Vice Chairman) shall serve as Temporary Chairman, and the County Secretary shall serve as Temporary Secretary, of the County Mass Convention. If the County Secretary is absent, the Temporary Chairman may appoint a Temporary Secretary. A list of delegates and alternate delegates with names and addresses will be certified both to the Secretary of the RSCC and to the Chairman of the Congressional District Committee. The time and place of the County Mass Convention shall be as provided in this sub-paragraph and shall elect Precinct Officers as provided in this sub-paragraph. The Nominating Committee will nominate a slate for each type of office to be filled. Following the report of the Nominating Committee recommending (i) a slate to fill all or some of the precinct officer vacancies, if any,

and (ii) another slate of delegates and alternate delegates to the District and State Conventions, each slate will be voted on separately.

If the precinct officers' slate is rejected by the County Mass Convention, the same and/or other slates may be nominated from the floor, followed by balloting; if after a ballot, no slate of precinct officers to fill vacancies has a majority of the votes cast, the slate receiving the fewest number of votes will be eliminated, and another ballot will be taken and so on until the winning slate is elected by a majority of the votes cast. A slate need not list a name for each vacant position in order to be a valid slate.

If the slate of delegates and alternate delegates recommended by the Nominating Committee is rejected by the Convention, the same and one or more other slates of delegates and alternate delegates may be placed in nomination from the floor, followed by balloting to choose between the competing slates; to be placed in nomination, a slate need not necessarily contain names for the entire number of delegates and alternate delegates which are allocated to that county; if after a ballot, no slate has a majority of the votes cast, the slate receiving the fewest number of votes will be eliminated, and another ballot will be taken, and so on until the winning slate is elected by a majority of the votes cast; if the winning slate contains empty slots for one or more delegates or alternate delegates, such vacancies may not be filled by further action of the County Mass Convention.

In the event that a County Mass Convention envisioned by these Rules was not held, then upon petition of a registered Republican voter of the County, or upon its own motion, the Executive Committee of the RSCC may establish a reasonable method of conducting a new County Mass Convention.

**6.03. Certification:** The Chairman and Secretary of each Precinct Convention and/or the County Mass Conventions shall immediately certify in writing the names of the new precinct officers to the Secretary of the County Committee. A composite list of all newly elected Precinct Officers in turn will be certified by the County Secretary and Chairman to the Secretary of the RSCC with a copy to the Chairman of the District Committee. A complete list of the names of the county's delegates and alternate delegates to the District and State Conventions, as elected at the County Mass Convention, will be certified by the Chairman and Secretary of said County Mass Convention to the Secretary of the RSCC at State Headquarters, with a copy to the Chairman of the District Committee; no names may be added to said list following adjournment of the County Mass Convention; said certification must arrive at State Headquarters not later than ten days before the District Convention. Names of all delegates and alternate delegates elected by the County Mass Convention will be certified as above; no names may be purged for any reason except by action of the Credentials Committee at the District and/or State Conventions.

**6.04. District:**

(a) The District Convention will be held at such time and place as designated by and set forth in the official call of the Executive Committee of the RSCC, which will consider but need not follow recommendations which may be made by the District Chairman. The District Convention shall be held at least three (3) days prior to the State Convention.

(b) The Executive Committee will also determine the Temporary Rules of the District Convention, which rules shall be distributed with the call pursuant to 7.07. The District Chairman (or in his absence the Vice Chairman) or a person appointed by him shall serve as Temporary Chairman, and the District Vice Chairman (or in his absence someone appointed by the Temporary Chairman) shall serve as Temporary Secretary of the District Convention.

(c) Only a delegate certified as such by his County Mass Convention may challenge the credentials of any other delegate or alternate delegate at the District Convention. (Also see 9.04.) The Credentials Committee report will first certify the number of undisputed and unchallenged votes which may be cast by each county, and the Convention will take action to accept or reject said partial report. Then the Credentials Committee will report its findings and recommendations on all disputed delegates for one county at a time, the order of such county-by-county reports to be decided by blind draw during the report of the Credentials Committee. The Convention will take action on the report for each challenged county before hearing the report on the next county. When challenged delegates have been thus certified as official delegates by action of the Convention, they may vote on all matters thereafter coming before the Convention, including any subsequent portions of the Credentials Committee report; no challenged delegate may vote on any matter until his credentials have been certified by the Convention to be official. In the event that more than ten percent (10%) of the authorized number of delegates to the District Convention are challenged, the Executive Committee of the RSCC, after due consideration, may invalidate any such challenges which it finds to be spurious, leaving more substantial disputes to be resolved by the convention during the report of the Credentials Committee.

(d) The District Convention, in addition to all other duties provided in these Rules, shall in the Presidential election year elect such number of delegates and alternate delegates to represent the District at the Republican National Convention as may be apportioned by the Rules of the (national) Republican Party, and one Presidential Elector. Each District Convention shall elect a District Chairman, and a District Vice Chairman, who shall be of the opposite sex from the Chairman. Each District Convention shall also elect two State-at-Large members of the RSCC/Executive Committee, who need not be residents of the District. The Nominating Committee will nominate a slate for each category of office to be filled in the following order; namely, (i) delegates and alternate delegates, (ii) the Presidential Elector, (iii) the District Chairman (for which there shall be a roll-call vote of the counties), (iv) the District Vice-Chairman, (v) two State-at-Large members of the RSCC/Executive Committee, and (vi) the seven members of various State Convention Committees as required by 7.05. Each slate will be voted on separately and if rejected, the Nominating Committee will submit a new slate. This procedure will continue indefinitely until a slate is approved by the Convention.

(e) A Registration Fee may be charged to help defray the expenses of a District Convention, with the amount per person to be determined by the District Chairman and Vice Chairman. In the event the District Chairman and Vice Chairman determine to charge a fee for the District Convention, the District Chairman may have the Executive Committee of the RSCC notify all delegates and alternate delegates of the amount of the fee and the manner of payment in the Call for the District Convention, and may require payment of registration fee no later than when the person signs in at the District Convention.

#### **6.05. State:**

(a) The Executive Committee of the RSCC shall designate a time and a place for the State Convention; and shall select two (2) members-at-large, who may or may not be delegates to said Convention, for each of the Convention Committees as specified in 7.05. The Executive Committee will also determine the Temporary Rules of the State Convention, which rules shall be distributed with the call pursuant to 7.07. The State Chairman or someone appointed by him/her will serve as Temporary Chairman of the Convention. The State Secretary or in his/her absence a person appointed by the Temporary Chairman, will serve as Temporary Secretary.

(b) Only a delegate certified as such by his County Mass Convention may challenge the credentials of any other delegate or alternate delegate at the State Convention. (Also see 9.04.) The Credentials Committee report will first certify the number of undisputed and unchallenged votes which may be cast by each county, and the Convention will take action to accept or reject said partial report. Then the Credentials Committee will report its findings and recommendations on all disputed delegates for one county at a time, the order of such county-by-county reports to be decided by blind draw during the report of the Credentials Committee. The Convention will take action on the report for each challenged county before hearing the report on the next county. When challenged delegates have been thus certified as official delegates by action of the Convention, they may vote on all matters thereafter coming before the Convention, including any subsequent portions of the Credentials Committee report; no challenged delegate may vote on any matter until his credentials have been certified by the Convention to be official. In the event that more than ten percent (10%) of the authorized number of delegates are challenged, the Executive Committee of the RSCC, after due consideration, may invalidate any such challenges which it finds to be spurious, leaving more substantial disputes to be resolved by the Convention during the report of the Credentials Committee.

(c) If the report of the Rules Committee, as may have been amended from the floor, is voted down by the convention, the Temporary Rules shall be used thereafter as the Permanent Rules.

(d) If the report of the Permanent Organization Committee is voted down by the Convention, the Committee shall, as soon as possible, submit a new report recommending for both of the two offices new nominees, neither of whom were recommended in the earlier report(s) of the Committee.

(e) In addition to all other duties set forth in these Rules, including the election of members-at-large to the RSCC, the State Convention will elect two (2) Presidential Electors at large, and the allocated number of delegates and alternate delegates at-large to the National Convention. At the State Convention, the Nominating Committee will nominate three separate slates, one each for (i) delegates-at-large and alternate delegates-at-large to the National Convention, (ii) Presidential Electors at-large, and (iii) members at-large of the RSCC. Each slate will be voted on separately by the Convention and if rejected, the Nominating Committee will submit a new slate. This procedure will continue indefinitely until a slate is approved by the Convention.

(f) In order to help defray costs, a State Convention registration fee shall be paid before the Credentials Committee of the State Convention is authorized to certify the delegate or alternate delegate as fully registered and credentialed. Such registration fees should be sent to State Headquarters as early as possible, preferably with the minutes of the County Mass Convention, but must be paid no later than when the person signs in at the State Convention. Registration fees in the same amount may be charged to Guests or waived at the discretion of the Arrangements Committee. The Executive Committee shall set the amount per person to be charged as the State Convention Registration fee.

**6.06. National Organization:** The delegates and alternate delegates elected to the National Convention by the State and District Conventions will meet in Kentucky at the call of the State Chairman prior to the National Convention to select a Delegation Chairman and to select various members to the National Convention Committees.

## **7. ORGANIZATION OF CONVENTIONS:**

**7.01. Conventions:** All conventions provided for in these rules will be organized as follows:

**7.02. Call to Order:** The Temporary Chairman designated by these Rules for each Convention shall call the convention to order; then the Temporary Secretary as designated by these Rules will be announced; the Temporary Chairman will then briefly describe the official reorganization call from the RSCC, but without objection the call need not be read aloud to the meeting. The temporary rules of the convention will be made available to the delegates in printed form, or read to the meeting, unless a motion is passed to waive the reading. The Temporary Chairman will preside until permanent convention officers are elected. A set of temporary rules for each convention will be adopted by the Executive Committee of the RSCC and will be included as a part of the call; the temporary rules will be in effect until each convention adopts its permanent rules upon approving the report of its Rules Committee.

**7.03. Contests:** In Precinct and County Mass Convention, the right to vote will be determined by the most current Republican voter registration list. It will be the duty of the County Chairman and Secretary to see that such list is available for both the Precinct and the County Mass Conventions. Whenever there is a challenge to a delegate, alternate delegate or delegation to a District or State Convention, the delegate, alternate delegate, or a delegation elected according to these rules by the convention called to order by the designated Party Official pursuant to the official call, will be seated until the contest is settled by the convention but cannot vote as to its own right to be seated.

**7.04. Order of Business:** The order of business of each convention shall be:

The call to order;  
Announcement of Temporary Officers;  
Report of the Credentials Committee;  
Report of the Rules Committee;  
Report of the Committee on Permanent Organization;  
Report of the Nominations Committee;  
Report of the Resolutions Committee;  
Announcements;  
Adjournment sine die.

**7.05. Committees:** All Committees at the County Mass Convention will be appointed by the County Chairman. Each County Convention shall elect one of the following officers to the District Convention (except in Jefferson County, with respect to the 3rd District Convention), and the District Convention shall elect one to the State Convention:

One Vice Chairman of the Convention;  
One Assistant Secretary of the Convention;  
One member of the Credentials Committee;  
One member of the Rules Committee;  
One member of the Committee on Permanent Organization;  
One member of the Nominations Committee;  
One member of the Resolutions Committee.

At the Jefferson County Mass Convention, convention participants residing in each Legislative District (LD) having any precincts in the 3rd Congressional District shall caucus separately and shall elect one person from the LD to each of the seven 3rd District Convention committees listed immediately above. Except with regard to the 3rd Congressional District Convention, the overall County Mass Convention of any county lying in more than one Congressional District shall name one member to the District Convention Committees for each Congressional District in which the county lies. This includes Jefferson County, where the County Mass Convention shall elect one person to each of the seven Committees of the 2nd District Convention.

The District and State Convention Committees may meet prior to the District and State Conventions to transact their business, on the call of the District or State Chairman, respectively. However, each Committee will be considered to be in session during the Convention itself, and may meet, change its report, and continue to transact such other business as may be appropriate until such time as the Convention has taken final action on the Committee's report.

#### ***7.06. Convention Committees and Officials:***

(a) The Credentials Committee will report a list of the proper accredited delegates and alternate delegates to be seated by the Convention. They will hear and make a report to the convention on any disputed delegations, delegates or alternate delegates. The Credentials Committee shall NOT certify as an accredited delegate or alternate any person who they do not believe was duly elected as such by his County Mass Convention.

(b) The Rules Committee shall report a proposed set of rules to the Convention which will not conflict with these rules unless passed by two-thirds (2/3) of the Delegates.

(c) The Committee on Permanent Organization will nominate a permanent Convention Chairman and a permanent Convention Secretary.

(d) The Nominating Committee will nominate candidates for any positions to be filled by the Convention under these rules.

(e) The Resolutions Committee of the State Convention shall have a preliminary meeting no later than the night before the State Convention, so that most resolutions can be debated, amended as necessary, adopted and then typed prior to the Convention. The Committee may decide not to report a resolution to the Convention. A resolution may be reported to the Convention as a Minority Report if at least 3 members of the Committee vote to do so. The Chairman of the Resolutions Committee will present the Minority Report, if any, to the Convention after the Convention has completed action on the ("majority") Report of the Resolutions Committee.

(f) If any duly-elected member of a District Convention Committee or State Convention Committee is absent for any reason from a formal or informal meeting of said Committee, the County Chairman of his County, or the District Chairman of his District, respectively, may appoint a substitute to serve in the place and stead of the absent Committee member; said substitute shall have full power to vote during the absence of the duly-elected member, but shall have no power to vote if and when the duly-elected absent member later is in attendance at the same or any subsequent meeting of said Committee.

(g) An Arrangements Committee may be appointed for the Precinct, County, District or State Convention, respectively, by the Precinct Captain, County, District or State Chairman. The Arrangements Committee will provide the space, adequate staff, including security and supplies, and make all physical arrangements subject to the approval of the Precinct, County, District Committees or the RSCC, whichever appointed them.

(h) The Temporary Chairman of each convention will appoint a Parliamentarian, Sergeant-at-Arms, Teller and other necessary personnel. Such persons shall continue to serve for the entire convention in the offices to which they were thus appointed unless and until they are replaced by appointment of the Permanent Chairman of the Convention, who is permitted but not required to appoint different persons to such positions.

(i) If it becomes necessary to determine which alternate delegates should replace absent delegates at the District or State Conventions, the alternate delegates will be taken in the order listed on the list of alternate delegates submitted by the County Mass Convention to State Headquarters.

**7.07. Call:** The Executive Committee of the RSCC will issue the official call to Convention at all levels at least thirty (30) days prior to the Precinct Convention date set forth in Rule 6.01. The call will contain the number of

delegates and alternate delegates allocated each County and the time and site of the State and District Conventions. Each county will be allocated that number of delegates (and an equal number of alternate delegates) equal to (i) the number of votes cast in the county for the Republican presidential nominee in the most recent presidential election, divided by (ii) 400, but no county will have less than three (3) delegates. The call will state the hour of all Precinct and County Mass Conventions, pursuant to 6.01 and 6.02. The call will include a set of Temporary Rules as approved by the Executive Committee of the RSCC for each of the Conventions being called; namely, Precinct Convention, County Mass Convention, District Convention and State Convention.

## **8. STATUTORY DUTIES:**

### **8.01. Election Officials:**

(a) Pursuant to the Kentucky Revised Statutes, from time to time it shall be the duty of the Executive Committee of the RSCC to nominate a list of candidates to the Governor for each Republican member of the State Board of Elections and the Kentucky Registry of Election Finance. Each list shall contain the number of nominees required by statute and shall be submitted to the Governor by the date required by statute.

(b) Following the elections of persons to statewide office, each County Committee will nominate a list of five (5) Republicans for the County Board of Elections by sending the same on a form provided by the State Board of Elections to Republican State Headquarters. Republican State Headquarters shall submit said list to the State Board of Elections.

(c) Each County Committee will submit the names of not fewer than four (4) Republicans for Election Officers in each Precinct to the County Board of Elections on a form prescribed by the State Board of Elections by September 15, along with such other information as may be required by law, such as addresses, phone numbers and social security numbers if available of such nominees. Further, the list shall be accompanied by a signed statement from each person set forth thereon that the person is willing to serve, has not failed to serve without excuse in the past, and has not been convicted of an election law offense. In the event the Kentucky Revised Statutes shall be amended to alter the method of selection, the number of nominees to be submitted or otherwise require additional information or statements, these Rules shall be deemed amended to comport with such altered statutory requirements.

**8.02. Nominees:** Wherever else public or Party law requires the filling of a nomination by a Party Committee, the lowest level Precinct, County, or District Committee embracing the entire geographic area of the office for which a nomination is to be made, shall make such nominations.

(a) Statewide nominations shall be made by the Executive Committee of the RSCC.

(b) In those cases where the office for which a nomination is to be filled embraces one entire Congressional District, the District Chairman or his designee shall call and chair such meeting. The selection will be made by the District Committee. Each voting member of the District Committee shall be entitled to vote a number of votes calculated as follows: (i) the number of registered Republicans in those precincts of that member's County which form a part of the Congressional District for which a nominee is to be chosen, divided by (ii) the number of voting members of the District Committee residing in that County who are present at such meeting. No member of the District Committee may cast the votes which he is entitled to cast for more than one person on any ballot; that is, he may not split up his votes and vote for more than one candidate on any particular ballot.

(c) In those cases where the office for which a nomination is to be filled embraces more than one County, but less than a Congressional District, a Committee made up of the County Committee of each of the affected Counties shall make the selection. The District Chairman (or his designee) shall call and chair such multi-county meeting whenever the district for which a nominee is to be chosen lies entirely within one Congressional District; otherwise, the State Chairman (or his designee) will do so. Each member of a County Committee in attendance at such a meeting shall be entitled to vote a number of votes calculated as follows: (i) the number of registered Republicans in those precincts of that member's County which form a part of the district for which a nominee is to be chosen, divided by (ii) the number of members of that County's County Committee who are present at such meeting. Wherever this rule refers to a "County Committee" the County's Executive Committee, if one has been created pursuant to rule 4.05 or 4.09, shall function instead.

- (d) Persons on County Committees, Executive Committees or District Committees empowered to act by this rule, shall be permitted to serve whether or not their personal residence is within or outside the district for which a nominee is being selected.
- (e) For the purposes of this rule, the number of registered Republicans in any area shall be the number determined by the Secretary of State after registrations closed before the previous statewide General Election.
- (f) For the purposes of this section 8.02, no person may cast more than one person's share of any allocated votes by virtue of holding two different offices, both of which would be entitled to vote if held by different individuals.
- (g) After any nominating meeting held pursuant to this section 8.02, the State Chairman shall certify the nominee so chosen, to the Secretary of State and/or other applicable authority.

#### **8.03. Nomination of National Convention Delegates and Alternates:**

(a) Any registered Republican who desires to be nominated at either the District or State Convention to be a Delegate or an Alternate Delegate to the National Convention, shall submit a letter which must be received by Republican state headquarters at least four (4) working days before the applicable District or State Convention. Said letter shall be addressed to the Nominating Committee, state the person's interest in becoming a Delegate or Alternate Delegate, and set forth the reasons why they should be considered by the Nominating Committee. The state headquarters staff will immediately convey the would-be nominee's letter to the Nominating Committee of the appropriate convention. No person may be nominated or elected by a District or State Convention to be a Delegate or Alternate Delegate to the National Convention unless this procedure is followed. If an insufficient number of persons thus qualified are elected at the District or State Conventions, the remaining slots will be filled as if they were vacancies which occurred AFTER the State Convention. The Nominating Committee at the District and State Conventions shall consider at least two criteria in selecting Delegates and Alternate Delegates to the National Convention; namely, (1) the letter received in accordance with this rule, and (2) any current political involvement on behalf of the Republican party and/or Republican candidates at any level.

(b) The party shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention.

(c) The provisions of these rules are not intended to be the basis of any kind of quota system.

**8.04. *National Convention Delegates:*** With regard to the allocation of delegate votes of the Kentucky Republican Party at the Republican National Convention pursuant to the Kentucky Presidential Preference Primary Statutes, the method of allocation set forth in KRS 118.641(1)(a) shall be the method used by the Kentucky Republican Party. In the event that a candidate dies or withdraws and the delegate votes allocated to such candidate become uncommitted pursuant to KRS 118.641(2), the Chairman of the delegation shall call a meeting of the delegates and alternate delegates at the convention by giving notice to each delegate and alternate delegate of the time and place of the said meeting. At the meeting the delegates (or alternate delegates who replace any delegates who fail to attend) in attendance shall vote by secret ballot for any candidate for the Republican nomination for President each may choose. The number of votes cast for the various candidates shall be converted to a percentage of the total votes cast by the delegates at said meeting, and the delegate votes which have become uncommitted as provided above shall be allocated to the candidates in accordance with their said respective percentages, and these said delegate votes shall be cast on the first ballot in such proportion for the said candidates. All fractions shall be rounded to the nearest whole number.

#### **9. GENERAL PROVISIONS:**

**9.01. *Proxies and Quorum:*** No proxy voting is allowed at any level Committee meeting. The quorum at any level Committee meeting will be one-third (1/3) of the duly qualified members, except for the RSCC and County Committees, where the quorum shall be fifteen percent (15%) of the duly qualified members. There shall be no minimum quorum for the State Convention, a District Convention, a County Mass Convention, a Precinct Convention, or for District and State Convention Committees.

9.02. *Rules:* The Current Edition of Robert's Rules of Order, Newly Revised, will be the rules of order of all committees and conventions provided in these rules except where in conflict with these rules.

9.03. *Amendment:* These rules may be amended by majority vote of those members voting at a meeting of the RSCC provided a copy of the proposed changes is mailed to the members with a notice of the meeting; provided, however, that if one-third (1/3) of the members present at a RSCC meeting object, the proposition to alter, amend or repeal shall be postponed until the next meeting at which time action will be required. The Executive Committee may amend these rules by majority vote at any regular or special session so long as five (5) days notice of the rule change shall have been effected; provided, however, that the Executive Committee cannot change the composition of the RSCC. Further, any change of rules made by the Executive Committee must be submitted for ratification by the RSCC at the next meeting thereof; provided, however, that any changes made by the Executive Committee shall have the full force and effect as the Rules of the RSCC until such time as they fail to receive said ratification.

9.04. *Appeals:* Any ruling by a subordinate committee or Chairman which affects the Party interest or the rights of any candidate for a nomination or the right of any person to hold any place in the Party organization shall be subject to appeal in the manner provided herein. All contests and controversies arising in City, Precinct, Magisterial District and County matters shall be ruled upon by the County Committee; provided, however, the losing party may appeal for a hearing to a special Republican Congressional District committee within ten (10) days after being notified of the County Committee's decision. The Republican Congressional District Committee officers, namely the Chairman and Co-Chairman, shall comprise the said special District committee. In the event that any officer cannot or will not serve the District Chairman shall appoint a replacement member for the hearing. Legal Counsel for the RSCC, or his/her designee, may attend the hearing in an ex-officio and non-voting capacity.

The Chairman of the Republican Congressional District Committee shall, within fourteen (14) days of the appeal, call a meeting of the District officers to hear the matter. The committee shall enter a written ruling stating the factual basis of the complaints and a summary of reasons for the decisions within ten (10) days after the hearing. The decision of this special District committee shall be final and binding unless and until overruled upon appeal by the Executive Committee of the RSCC. Any appeal to the RSCC shall be made within ten (10) days of the said decision.

All contests and controversies arising in City, Precinct, Magisterial District and County matters shall be ruled upon by the County Committee; provided, however, if the County sits in more than one Congressional District the losing party may appeal for a hearing to the Executive Committee for the RSCC within ten (10) days after being notified of the County Committee's decision.

The Chairman of the Executive Committee for the RSCC shall, within fourteen (14) days of the appeal, call a meeting of the Executive Committee for the RSCC to hear the matter. The committee shall enter a written ruling stating the factual basis of the complaints and a summary of reasons for the decisions with ten (10) days after the hearing. The decision of the Executive Committee for the RSCC shall be final and binding.

Matters affecting the District Committee or the Congressional District shall be heard by the Executive Committee of the RSCC.

A ruling of the District Committee or any special District committees which affects the Party's interest may be heard by an Ad Hoc Committee appointed by the Chairman of the RSCC for the purpose of conducting a hearing and making recommendations to the Executive Committee of the RSCC. The Executive Committee's decisions shall be final and binding.

Written notice of an appeal to the Executive Committee of the RSCC shall state the grounds of contest and appeal and shall be made within thirty (30) days from the date on which the election, action or decision appealed from is held, taken or rendered. No appeal or contest shall be considered unless such notice is filed within such time.

Upon hearings of appeals and contests under this Rule, only those members of the Executive Committee of the RSCC who are not the subject of the said appeal or contest shall participate, and the Legal Counsel for said Committee, or his Designee, shall preside.

In the event the matter is receiving its first hearing, the members of the former Committee or the former Party Official(s) holding office(s) involved in the contest or appeal must be recognized until the said contest or appeal is resolved at such initial level in the appeal process. Thereafter, the decision at such level shall be binding until overruled by the next level in the appeal process.

Except as provided in Section 6.04(c) and 6.05(b), any challenge, objection or appeal of a ruling or of an election regarding a County's delegates or alternate delegates to the District or State Conventions will be decided by the Credentials Committee of that Convention, subject to the approval of the Convention. Any such challenge to any delegate or alternate delegate must be submitted in writing to State Republican Headquarters at least three days before the Convention at which the Credentials Committee will be asked to rule.

**9.05. *Addresses; Telephone Numbers:*** It shall be the responsibility of each member of the RSCC to keep the Secretary informed of his or her current addresses and telephone numbers. The officers of the RSCC shall be entitled to rely upon the accuracy of such records for all notice purposes.

**9.06. *Dues:*** All members of the Executive Committee shall pay to the Party the sum of \$200 per year in dues. All other members of the RSCC shall pay annual dues of \$50. Such dues shall be payable on or before July 1st of each year. Each payment of dues applies to that specific office held. If a new person replaces in office a person whose dues were previously paid, the new person's dues are considered already paid, until the following July 1st.

**9.07. *Registration requirements:*** In order to be eligible to vote at any meeting described in these Rules, or to be eligible for election or to serve in any Party position or office described in these Rules, a person must be and remain a Registered Republican voter, eligible to vote in the next succeeding Republican primary election. In order to be eligible to file as a candidate or to vote in a Republican Primary Election, a person must be a Registered Republican by close of business on the day of the filing deadline. Such person will be officially acknowledged as a Republican candidate or voter notwithstanding Kentucky law. If a qualified person holding a Party office or other position is purged or otherwise ceases to be a registered Republican qualified as above, a grace period of ten days (during each of which the registration books are open) will be allowed for re-registration after the person is notified by Party Headquarters that his position will otherwise be considered vacant at the end of the ten day period.

**9.08. *Gender:*** Throughout these rules, unless the context clearly requires a different interpretation, all references to "he" or "him" or "his" shall be read to mean "he or she" "him or her" or "his or hers," respectively.